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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,794	03/08/2002	Yukihiro Abiko	1075.1193	3413

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STAAS & HALSEY LLP  
JIM LIVINGSTON  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER

SCHUBERT, KEVIN R

ART UNIT PAPER NUMBER

2137

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/092,794

Applicant(s)

ABIKO ET AL.

Examiner

Kevin Schubert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7,9,11,13,15,17,19,21,23,25,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,11,13,23,25,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 15,17,19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03082002</u> .                                                            | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Claims 1-5,7,9,11,13,15,17,19,21,23,25, and 30-31 have been considered.

***Election/Restrictions***

5           Applicant's election without traverse of Species 1, subspecies a, and claims 1-5,7,9,11,13,15,17,19,21,23,25, and 30-31 readable thereon in the reply filed on 4/13/06 is acknowledged. Accordingly, claims 6,8,10,12,14,16,18,20,22,24, and 26-29 have not been considered.

***Claim Objections***

10           Claim 1 is objected to because of the following informalities: "with using" in line 11 is grammatically awkward.

            Claim 7 is objected to because of the following informalities: the word "maneged" in line 3 is misspelled. Appropriate correction is required.

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***Allowable Subject Matter***

            Claims 15,17,19, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Claim Rejections - 35 USC § 102***

            The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

            A person shall be entitled to a patent unless –

25           (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5                Claims 1-3 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Mahne, U.S. Patent No. 6,981,141.

As per claims 1,30, and 31, the Applicant discloses a data management system comprising the following limitations which are met by Mahne:

- 10                a) a storage medium for storing contents (Col 8, lines 1-16);
- b) application executing means for activating an application so that the application accesses the contents stored in the storage medium and effects a processing on the contents (Col 8, lines 1-16);
- c) access monitoring means for monitoring the status of access of the application to the contents by associating inherent information for the application brought into an activated status by the application
- 15                execution means, with inherent information for the contents accessed by the application (Col 8, line 17 to Col 9, line 6);
- d) filtering means for enciphering the contents with using the inherent information for the application when the application under the activated status writes the contents into the storage medium while deciphering the contents with the inherent information for the application when the application under
- 20                the activated status reads out the contents in the storage medium (Col 8, line 17 to Col 9, line 6; Col 9, lines 7-67).

As per claim 2, the Applicant discloses the data management system of claim 1, which is met by Mahne, with the following limitations which are also met by Mahne:

- 25                a) an operating system as a software for controlling the execution of the application (Col 8, line 17 to Col 9, line 67);

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b) the operating system assigns identification information to each process upon executing the application by the application executing means, and the access monitoring means utilizes the identification information as the inherent information for the application (Col 8, line 17 to Col 9, line 67).

5           As per claim 3, the Applicant discloses the data management system of claim 2, which is met by Mahne, with the following limitations which are also met by Mahne:

          Wherein the access monitoring means registers the inherent information for the application and the inherent information for the contents in a management table so that the inherent information for the application and the inherent information for the contents are associated with each other, and the access  
10          monitoring means monitors the status of access with the assistance of the management table (Col 8, line 17 to Col 9, line 67).

***Claim Rejections - 35 USC § 103***

          The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness  
15          rejections set forth in this Office action:

          (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
20          Patentability shall not be negated by the manner in which the invention was made.

          Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahne.

25           As per claim 4, the Applicant discloses the data management system of claim 3, which is met by Mahne, with the following limitation:

          When the application executing means completes the execution of the application, the access monitoring means deletes the inherent information for the application and the inherent information for the contents corresponding to the application from the management table;

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Mahne discloses all the limitations of claim 3. However, Mahne appears to be silent as to deleting information in the table. Examiner takes official notice that it is known to delete information in a table for a number of reasons, including saving space and resources. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to delete table information in the Mahne system for at least the reason that doing so frees up space.

Claims 5,7,9,11,13,23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahne in view of Elrod (Elrod, Elliot. "Partitioning Your Hard Drive". Beyond the Basics. September 2000. Pages 1-6).

As per claims 5,23, and 25, the Applicant discloses the data management system according to claim 3, which is met by Mahne, with the following limitations:

a) at least one piece of logical drive is built in the storage medium and the contents is reserved in the logical drive (Elrod: pages 3-4);

b) a file system for managing the logical drive is built in each of the logical drive (Elrod: pages 3-4);

c) at least one file system is arranged to serve as an encryption file system which has a cryptographic attribute determined for each file or folder containing the contents, enciphers the contents at each file or folder upon storing the contents in the storage medium (Elrod: pages 3-4).

Mahne discloses all the limitations of claim 3. Mahne, however, fails to disclose the use of a logical drive. Elrod discloses the well-known ideas of Encrypted File System and logical drives. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Elrod with those of Mahne because doing so makes the system more robust and secure, and even provides opportunities to better divide and separate data and improve data recovery options.

As per claims 7,11, and 13, the Applicant discloses the data management system according to claim 5, which is met by Mahne in view of Elrod, with the following limitation:

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When the application reads out the contents stored in the logical drive managed by the encryption file system, the access monitoring means registers a file name of the file containing the contents read out by the application in the management table as the inherent information for the contents (Col 8, line 17 to Col 9, line 67).

5

As per claim 9, the Applicant discloses the data management system according to claim 5, which is met by Mahne in view of Elrod, with the following limitation:

When the application reads the contents stored in the logical drive managed by the encryption file system, the access monitoring means registers a drive name of the logical drive containing the contents read out by the application in the management table as the inherent information for the contents.

10

Mahne in view of Elrod teach all the limitations of claim 5. However, Mahne in view of Elrod appear to teach that a file name is used to identify a file in the table instead of a drive name. Examiner takes official notice that it is known in the art to use a drive name to identify data. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to use a drive name to identify data because a drive name is inherent information associated with, and used to identify, a storage location of contents.

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### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should  
5 you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KS

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**EMMANUEL L. MOISE**  
**SUPERVISORY PATENT EXAMINER**

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